

ARKANSAS SUPREME COURT

No. CR 07-598

CLARENCE AMMONS
Appellant

v.

STATE OF ARKANSAS
Appellee

Opinion Delivered September 18, 2008

APPEAL FROM THE CIRCUIT COURT
OF DREW COUNTY, CR 2005-235,
HON. ROBERT BYNUM GIBSON, JR.,
JUDGE

APPEAL DISMISSED.

PER CURIAM

In 2007, appellant Clarence Ammons, a prisoner incarcerated in the Arkansas Department of Correction, filed in the trial court, under his criminal case number, a pro se petition seeking a writ of habeas corpus under Arkansas Code Annotated §§ 16-112-101–16-112-123 (Repl. 2006). The court denied the petition, and appellant lodged an appeal of that order in this court. The matter is now before us.

We dismiss the appeal because the Drew County Circuit Court does not now have jurisdiction to grant the relief sought. A circuit court does not have jurisdiction to release on a writ of habeas corpus a prisoner not in custody in that court's jurisdiction. *Pardue v. State*, 338 Ark. 606, 999 S.W.2d 198 (1999) (per curiam) (citing *Mackey v. Lockhart*, 307 Ark. 321, 819 S.W.2d 702 (1991)). Any petition for writ of habeas corpus to effect the release of a prisoner is properly addressed to the circuit court in the county in which the prisoner is held in custody, unless the petition is filed pursuant to Act 1780 of 2001. *Lukach v. State*, 369 Ark. 475, ___ S.W.3d ___ (2007) (per curiam).

Appellant did not invoke or reference Act 1780 in his petition, and did not request scientific testing. At the time that appellant filed his petition, he appears to have been incarcerated in Chicot County. Currently, appellant is incarcerated in Lincoln County. As the trial court cannot provide the requested relief even were appellant successful in his appeal, we must dismiss the appeal and do not reach the merits of the issues raised by appellant.

Appeal dismissed.

Glaze, J., not participating.